

the words “for the Government” are inserted because section 8 of the Act of June 30, 1864 (ch. 172, 13 Stat. 221), from which section 251 of the Revised Statutes is derived, used the phrase “in behalf of the United States”. In subclause (B), the words “those notes and securities” are substituted for “the same” for clarity.

In subsection (a)(6), the word “collect” is substituted for “superintend the collection” because of the source provisions restated in section 321(c) of the revised title. The word “receipts” is substituted for “revenue” for consistency in the revised title.

In subsection (a)(7), the words “Secretary of the Treasury” are substituted for “General Counsel of the Department of the Treasury, under the direction of the Secretary of the Treasury” because of the source provisions restated in subsection (c) of this section. The words “with a view to prosecuting persons” are substituted for “for the prosecution of persons charged with the commission thereof” for clarity. The words “take steps to discover fraud and attempted fraud” are substituted for “take cognizance of all frauds or attempted frauds” for clarity. The words “involving receipts” are substituted for “upon the revenue” for consistency in the revised title. The words “decide on ways to prevent and detect fraud” are substituted for “exercise a general supervision over the measures for their prevention and detection” for clarity and to eliminate unnecessary words.

In subsection (a)(8), before subclause (A), the word “maintain” is substituted for “shall be kept” for consistency. The words “all moneys” and “internal” are omitted as unnecessary because of the restatement. The words “duties or” are omitted as being included in “taxes”. The word “possession” is added for consistency in the revised title and with other titles of the Code. The word “listing” is substituted for “so as to exhibit, as far as may be” for clarity and to eliminate unnecessary words. In subclause (A), the word “kind” is substituted for “species” for consistency. The words “that shall accrue” are omitted as surplus. In subclause (B), the words “each tax” are substituted for “each source of revenue” for clarity. In subclause (C), the word “pay” is substituted for “compensation” for consistency. The words “officers and employees” are substituted for “collectors and deputy collectors, inspectors, and other officers” for consistency and to eliminate unnecessary words.

Subsection (b)(1) is included as a general statement of the authority of the Secretary of the Treasury to prescribe regulations to avoid repeating each time specific authority of the Secretary to carry out certain provisions of law.

In subsection (b)(2), the words “make such provisions” in 31:1001(note) are omitted as unnecessary. The words “or by any agency” are omitted and the words “duties and powers” are substituted for “function”, for consistency in the revised title and with other titles of the Code. The words “including any function transferred to the Secretary by the provisions of this reorganization plan” are omitted as executed.

In subsection (b)(3), the word “effect” is omitted as unnecessary. The words “(available or to be made available)” are omitted as surplus. The words “delegation made under clause (2) of this subsection” are substituted for “provisions of this reorganization plan” because the only provision of Reorganization Plan No. 26 of 1950 (eff. July 31, 1950, 64 Stat. 1281) that continues to have legal effect is section 2 that is restated in clause (2).

In subsection (b)(4), before subclause (A), the word “detail” is substituted for “to use for, and in connection with” to eliminate unnecessary words. The words “in addition to details authorized under another law” are substituted for 31:1017(last sentence) to eliminate unnecessary words and because subsequent laws would also provide additional authority to detail. The words “and the several branches of the public service under its control” are omitted as being included in “Department”. The words “officers and employees” are substituted for “persons” for clarity and consistency in

the revised title. In subclause (B), the words “agents or from the appropriation for the foregoing purpose” are omitted as unnecessary because of the restatement.

In subsection (b)(5), the words “the proceeds thereof to be accounted for and paid into the Treasury of the United States” are omitted as unnecessary because of section 3302 of the revised title.

In subsection (b)(6), the word “buy” is substituted for “make expenditures” for consistency in the revised title and with other titles of the Code. The words “officers or employees” are substituted for “civilian employees”, and the words “in carrying out their duties and powers” are substituted for “in the performance of their official duties”, for consistency in the revised title and with other titles of the Code.

AMENDMENTS

2010—Subsec. (a)(9). Pub. L. 111-203, § 502(b), added par. (9).

Subsec. (c). Pub. L. 111-203, § 378(1)(A), inserted “and” at end of par. (1), substituted period for “; and” at end of par. (2), and struck out par. (3) which read as follows: “of the Director of the Office of Thrift Supervision;”.

Subsec. (e). Pub. L. 111-203, § 378(1)(B), struck out subsec. (e). Text read as follows: “The Secretary of the Treasury may not merge or consolidate the Office of Thrift Supervision, or any of the functions or responsibilities of the Office or the Director of such office, with the Office of the Comptroller of the Currency or the Comptroller of the Currency.”

1995—Subsec. (b)(7). Pub. L. 104-66 added par. (7).

1989—Subsec. (c)(3). Pub. L. 101-73, § 307(b), added par. (3).

Subsec. (e). Pub. L. 101-73, § 307(d), added subsec. (e).

1984—Subsec. (d). Pub. L. 98-369 added subsec. (d).

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by section 378(1) of Pub. L. 111-203 effective on the transfer date, see section 351 of Pub. L. 111-203, set out as a note under section 906 of Title 2, The Congress.

Amendment by section 502(b) of Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Secretary of the Treasury, see Parts 1, 2, and 15 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

USE OF AIRCRAFT IN EMERGENCY LAW ENFORCEMENT SUPPORT

Pub. L. 104-52, title I, § 107, Nov. 19, 1995, 109 Stat. 476, provided that: “The Secretary of the Treasury is authorized in fiscal year 1996 and hereafter, to use Treasury Department aircraft, with or without reimbursement, to assist bureaus within the Department of the Treasury or other Federal agencies, Departments or offices outside of the Department of the Treasury to provide emergency law enforcement support to protect human life, property, public health, or safety.”

§ 322. Working capital fund

(a) The Department of the Treasury has a working capital fund. Amounts in the fund are available for expenses of operating and maintaining common administrative services of the Department that the Secretary of the Treasury, with the approval of the Director of the Office of Management and Budget, decides may be carried out more advantageously and more economically as central services.

(b) Amounts in the fund remain available until expended. Amounts may be appropriated to the fund.

- (c) The fund consists of—
 - (1) amounts appropriated to the fund;
 - (2) to the extent transferred to the fund by the Secretary, the reasonable value of supply inventories, equipment, and other assets and inventories on order for providing services out of amounts in the fund, less related liabilities and unpaid obligations;
 - (3) amounts received from the sale or exchange of property; and
 - (4) payments received for loss or damage to property of the fund.

(d) The fund shall be reimbursed, or credited with advance payments, from amounts available to the Department or from other sources, for supplies and services at rates that will equal the expenses of operation, including accrual of annual leave and the depreciation of plant and equipment. Amounts the Secretary decides are in excess of the needs of the fund shall be deposited at the end of each fiscal year in the Treasury as miscellaneous receipts.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 881; Pub. L. 98-369, div. A, title IV, §442, July 18, 1984, 98 Stat. 816.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
322(a)	31:1033(1st sentence less words between 1st and 3d commas, 2d sentence 1st-9th words).	Dec. 31, 1970, Pub. L. 91-614, §401, 84 Stat. 1846.
322(b)	31:1033(1st sentence words between 1st and 3d commas, last sentence).	
322(c)	31:1033(2d sentence less 1st-9th words, 4th sentence).	
322(d)	31:1033(3d, 5th sentences).	

In subsection (a), the words “Amounts in the fund are available” are added because of the restatement.

In subsection (b), the words “Amounts in the fund remain available until expended” are substituted for “shall be available, without fiscal year limitation” for consistency in the revised title.

In subsection (c)(1), the words “amounts appropriated to the fund” are substituted for “any appropriations made for the purpose of providing capital” to eliminate unnecessary words. In clause (2), the word “reasonable” is substituted for “fair and reasonable” because it is inclusive.

In subsection (d), the words “other Federal agencies” are omitted because they are included in “other sources”.

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-369 struck out provision placing a \$1,000,000 limitation on fund.

DEPARTMENT OF THE TREASURY FRANCHISE FUND

Pub. L. 104-208, div. A, title I, §101(f) [title I], Sept. 30, 1996, 110 Stat. 3009-314, 3009-316, as amended by Pub. L. 106-554, §1(a)(3) [title I, §120], Dec. 21, 2000, 114 Stat. 2763, 2763A-135; Pub. L. 108-7, div. J, title I, §123, Feb. 20, 2003, 117 Stat. 439; Pub. L. 108-447, div. H, title II, §219, Dec. 8, 2004, 118 Stat. 3242, provided in part that: “Hereafter There [sic] is established in the Treasury a franchise fund to be available without fiscal year limitation, for expenses and equipment necessary for the maintenance and operation of such financial and administrative support services as the Secretary determines may be performed more advantageously as cen-

tral services: *Provided*, That any inventories, equipment, and other assets pertaining to the services to be provided by such fund, either on hand or on order, less the related liabilities or unpaid obligations, and any appropriations made for the purpose of providing capital, shall be used to capitalize such fund: *Provided further*, That such fund shall be reimbursed or credited with the payments, including advanced payments, from applicable appropriations and funds available to the Department and other Federal agencies for which such administrative and financial services are performed, at rates which will recover all expenses of operation, including accrued leave, depreciation of fund plant and equipment, amortization of Automatic Data Processing (ADP) software and systems, and an amount necessary to maintain a reasonable operating reserve, as determined by the Secretary: *Provided further*, That such fund shall provide services on a competitive basis: *Provided further*, That an amount not to exceed 4 percent of the total annual income to such fund may be retained in the fund for fiscal year 1997 and each fiscal year thereafter, to remain available until expended, to be used for the acquisition of capital equipment and for the improvement and implementation of Treasury financial management, ADP, and other support systems: *Provided further*, That no later than 30 days after the end of each fiscal year, amounts in excess of this reserve limitation shall be deposited as miscellaneous receipts in the Treasury.”

[Amendments by Pub. L. 108-447 to Pub. L. 104-208, §101(f) [title I], set out above, were executed to reflect the probable intent of Congress, notwithstanding errors in the directory language.]

§ 323. Investment of operating cash

(a) To manage United States cash, the Secretary of the Treasury may invest any part of the operating cash of the Treasury for not more than 90 days. The Secretary may invest the operating cash of the Treasury in—

- (1) obligations of depositories maintaining Treasury tax and loan accounts secured by pledged collateral acceptable to the Secretary;
- (2) obligations of the United States Government; and
- (3) repurchase agreements with parties acceptable to the Secretary.

(b) Subsection (a) of this section does not require the Secretary to invest a cash balance held in a particular account.

(c) The Secretary shall consider the prevailing market in prescribing rates of interest for investments under subsection (a)(1) of this section.

(d)(1) The Secretary of the Treasury shall submit each fiscal year to the appropriate committees a report detailing the investment of operating cash under subsection (a) for the preceding fiscal year. The report shall describe the Secretary’s consideration of risks associated with investments and the actions taken to manage such risks.

(2) For purposes of paragraph (1), the term “appropriate committees” means the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 882; Pub. L. 110-351, title V, §502, Oct. 7, 2008, 122 Stat. 3980.)